

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Friday, June 10, 2005 – 9:30 a.m. – Room W135 House Building

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Mark B. Madsen  
Sen. Ed Mayne  
Sen. Michael G. Waddoups  
Rep. James R. Gowans  
Rep. Kory M. Holdaway  
Rep. Merlynn T. Newbold

**Members Excused:**

Rep. Carol Spackman Moss  
Sen. Mike Dmitrich

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Tracey Fredman, Legislative Secretary

**Note:** A list of others present and a copy of related materials can be found at [www.leg.utah.gov](http://www.leg.utah.gov) or by contacting the committee secretary, Tracey Fredman, at 538-1032. A recording of the meeting is available from the committee secretary.

**1. Committee Business**

Chair Stephenson called the meeting to order at 9:40 a.m.

**2. Need for Rulemaking - Human Resources Market Comparisons**

Rep. Ure introduced the issue.

Mr. Jeff Herring, Executive Director, and Ms. Debbie Price, Director of Compensation and Benefits, Department of Human Resource Management, distributed and reviewed "MCA Salary Increases FY 2006" and "The Total-Comp Index (Salaries + Benefits) - at the State of Utah." Mr. Herring also discussed some of the provisions in "R477-6-4 Compensation," from the June 1, 2005 *Utah State Bulletin*, which gives direction to agencies in the administration of employee pay raises as authorized by the Legislature.

Mr. Kent Bishop announced his retirement from the Governor's Office of Planning and Budget, and introduced Mr. Hunter Finch, who will take over his position as Research Consultant.

**3. Education Issues**

**A. Charter Schools: Determining Preferential Enrollment for children of Founding Members**

Mr. Hunsaker introduced the issue.

Mr. Matt Throckmorton, Consultant, Charter One Development, gave a brief background on preferential enrollment for children of founding members of Charter Schools. He explained the differences between the federal and state rules, and commented that in a previous meeting it was agreed that the state rule needed to be rewritten to follow the federal rule. Mr. Throckmorton asked for an update of the redrafting of the rule.

Mr. Brian Allen, Chair, Charter School Board, said he couldn't speak to the issue of whether or not the rule had been rewritten. Mr. Allen reported that following the Administrative Rules Review Committee meeting on November 8, 2004, the Charter School Board discussed and agreed that anyone who contributed substantially to the opening of a school could receive preferential enrollment. He said the Board established a ceiling at 20 percent. Mr. Allen said that these recommendations were passed along to the State Board of Education.

Mr. Ray Timothy, Associate State Superintendent, State Board of Education, said the rule has not yet been rewritten. He said the Charter School Board has clarified procedures and policies as needed. He said the State Board of Education would like the Charter School Board to have more input in helping to draft the rule.

Committee discussion followed.

Mr. Timothy stated that in the Charter School Statute authority is given to the Charter Schools to waive rules specific to Charter Schools.

Chair Stephenson asked the State Office of Education when the rule would be rewritten.

Mr. Timothy said it was scheduled for the September board meeting.

**B. R277-602 Special Needs Scholarships - Funding and Procedures**

Rep. Newbold commented on the passing of H.B. 249 "Carson Smith Special Needs Scholarships," 2005 General Session, and said that the State Office of Education and the State Board of Education have been working together to implement rules so that the scholarships can be available for the upcoming school year.

Rep. Newbold raised a concern that the adopted rule, as written, will exclude many special needs children for whom the statute was implemented. She distributed correspondence which included alternative language for the rule that would be consistent with the intent of the statute.

Mr. Timothy said that the State Board of Education wanted more information before approving the rule with the alternative language provided. Therefore, the Board initiated an emergency rule which allowed 120 days more to make changes, and created a task force to study the definition of "specializes" within the rule and to make a recommendation for the July board meeting when the Board hopes to take action.

Committee discussion followed.

Mr. Karl Wilson, commented on program qualifications for schools.

Mr. Maxwell Miller, Attorney, Parsons Behle and Latimer, distributed and reviewed "Comments on Proposed Rule R277-602. Special Needs Scholarship - Funding and Procedures, Implementation of H.B. 249, Carson Smith Special Needs Scholarships."

Sen. Madsen and Ms. Hill commented on the definition of the word "specializes" in H.B. 249, specifically UCA Subsection 53A-1a-704(3)(b).

**C. Need for Rules to Implement R53A-11-901 through 907**

Due to time constraints, this item was not discussed.

**4. Staff Report: Unpaid child Care Expense Documents Distributed to Committee Members in October 26, 2004 Meeting**

Due to time constraints, this item was not discussed.

**5. R21-3-12 Injured Spouse Relief/Failure of S.B. 250 to Pass**

Due to time constraints, this item was not discussed.

**6. Committee Business/Adjourn**

The next meeting will be Monday, June 27, 2005.

Chair Stephenson adjourned at 12:40 p.m.